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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,602	03/10/2000	Akira Atsuta	P19202.P01	5787

7055 7590 04/24/2003

GREENBLUM & BERNSTEIN, P.L.C.  
1950 ROLAND CLARKE PLACE  
RESTON, VA 20191

EXAMINER

BAYARD, EMMANUEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 04/24/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/522,602

Applicant(s)

ATSUTA, AKIRA

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al U.S. Patent No 6,463,132 B1.

As per claims 1, 3, 5, 9 and 12, Yoshida et al discloses a modem at an answering side that performs a transmission and reception of signal with another modem at a calling side through a communication channel, comprising: a transmission section that is configured to transmit a procedure signal specified in a predetermined ITU-T Recommendation (see figs. 1, 15, 20, 27 and

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col.4, line 51 and col.6, lines 63-67 and col.7, lines 1-3 and col.11, lines 50-56 and col.23, line 35-37 and col.16, line 18); a reception section that is configured to receive the signal transmitted from said another modem at the calling side (see figs. 1, 15, 20, 27 and col.4, line 51 and col.6, lines 63-67 and col.7, lines 1-3 and col.11, lines 50-56 and col.23, line 35-37 and col.16, line 18); a detection section that is configured to detect another procedure signal transmitted from said another modem at the calling side while or after said transmission section transmits a DIS signal specified in Recommendation T.30 from signals received in said reception section (see col.6, lines 57-62 and col.11, lines 45-57 and col.13, lines 61-67 and col.20, lines 17-27 and col.25, lines 37-57) ; an identification section is configured to output an identification signal indicative of a type of Recommendation that said another modem at the calling side uses to a host, based on a detected result in said detection section (see col.6, lines 57-63 and col.19, lines 40-50 and col.23, lines 1-3 and col.27, lines 64-67) ; wherein said modem shifts to operation mode corresponding to an instruction of said host based on said identification signal (see col.7, lines 6-8 and col.11, lines 1-6, lines 58-60 and col.19, lines 5-10).

As per claims 2, 4, 6, 10, the system of Yoshida does include a CM signal specified in Recommendation V.8 (see col.27, lines 41-42 and col.30, line 16).

As per claims 7, the system of Yoshida inherently includes a modem to shift the operation mode to continue or discontinue said communication channel.

As per claim 8, the system of Yoshida inherently includes detecting respective signals at a plurality of frequencies.

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As per claim 11, the system of Yoshida does include a recording unit and a scanner unit (see fig.27 elements 248 and 218, respectively).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Takagi et al U.S. Patent No 6,504,919 B1 teaches a data transmission apparatus and data reception apparatus.

Mukai et al U.S. Patent No 5,812,281 teaches a facsimile with multiple protocol.

Noma et al U.S. Patent No 6,295,313 B1 teaches a method for controlling modem.

Morimoto U.S. Patent No 5,751,441 teaches a communication method and communication terminal.

Walsh U.S. Patent No 5,963,622 teaches a mode signaling method and apparatus.

Nishioka et al U.S. Patent No 6,311,233 B1 teaches a communication system using a modem.

Lee U.S. Patent No 6,452,963 B1 teaches a method for connecting modems.

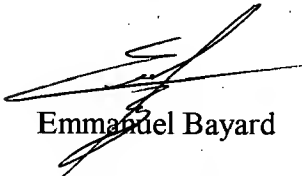
Sebestyen U.S. Patent No 5,847,752 teaches a method for call setup.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is (703) 308-9573. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "Emmandel Bayard", is written over the printed name.

Emmandel Bayard

Patent Examiner

April 18, 2003